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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,427	12/21/2001	Pekka Koponen	4208-4072	5709
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EXAMINER ELALLAM, AHMED				
ART UNIT 2416		PAPER NUMBER		
NOTIFICATION DATE 09/30/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com

Office Action Summary

Application No.

10/032,427

Applicant(s)

KOPONEN ET AL.

Examiner

AHMED ELALLAM

Art Unit

2416

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15, 17-24 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39 is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, 17-24 and 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1, 15, 20, 26-28, 32, 34, 37, 38 objected to because of the following informalities:

Regarding claims 1, 15, 20, 26-28, 32, 34, 37, 38, the phrase “the user identification data” in the limitation “said establishing and authenticating being by transmitting at least a portion of information in the user identification data to the communications network” should be changed to “the **received** user identification data” to be in conformance to its antecedent basis, and to better claim the invention.

Regarding claims 22 and 35, the claimed “said user data identification module” lacks clear antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12, 14-15, 17-24, 26-38 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1, 15, 20, 26-28, 32, 34, 37, and 38 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in

the reply filed 09/14/2009. In that paper, applicant has stated that *the claimed invention includes the feature of the first wireless communication device establishing and authenticating a connection through the mobile station to the communications network using the user identification data of the first wireless communication device, by transmitting at least a portion of information in the user identification data to the mobile station for forwarding by the mobile station to the communications network, receiving a challenge from the mobile station that has been forwarded by the mobile station from the communication network, and transmitting a response to the challenge to the mobile station for forwarding by the mobile station to the communications network*, and this statement indicates that the invention is different from what is defined in the claim(s) because the claims do not specify the step of the mobile station that provides for the step of *"transmitting at least a portion of information in the user identification data"*, and for *"forwarding by the mobile station to the communications network"*; and *"receiving a challenge from the mobile station that has been forwarded by the mobile station from the communication network"*, and *"transmitting a response to the challenge to the mobile station for forwarding by the mobile station to the communications network"*.

Stated differently, the presented independent claims lack the clear presence of the mobile station involvement in the transmission and reception of user data and challenge messages between the wireless station and the communication network. Such lack of clear involvement as Applicant stated in the argument, amount 6 to ambiguous claim limitations.

Claim 1 is discussed hereinafter as an example for further clarification:

Claim 1, recites "*said establishing and authenticating being by transmitting at least a portion of information in the user identification data to the communications network*", but does not specify the transmitting by the mobile station (the claim can be interpreted broadly such that the user identification data can be transmitted directly to the communication network by the first wireless device); the claim also recites "*receiving a challenge from the communication network to the first wireless device*", but does not specify that the "receiving the challenge by the mobile station"; further the claim recites "*receiving a response to the challenge from the first wireless device*" but does not specify the "*receiving a response to the challenge from the first wireless device*" by the mobile station, and finally the claim recites "*forwarding the response to the communication network*" but does not specify the forwarding is carried out by the mobile station.

Therefore contrary to Applicant's argument these claims do not clearly provide for the "*establishing and authenticating a connection **through** the mobile station to the communications network*", given the absent active involvement of the mobile station between the wireless station and the communication network.

Claims 15, 20, 26-28, 32, 34, 37, and 38 have the same limitations discussed above claim 1, thus they are subject to the same rejections.

Claims 2-12, 14-14, 17-19, 21-24, 29-31, 33, 35, 36 depends from one of respective claims 1, 15, 20, 26-28, 32, 34, 37, and 38, thus they are subject to the same rejections.

Allowable Subject Matter

4. Claim 39 is allowed.

Response to Arguments

5. Applicant's arguments, see REMARKS, filed 9/14/2009, with respect to claims 1-12, 14-15, 17-24, 26-39 been fully considered and are persuasive. The rejections under 35 U.S.C. 103 of claims 1-12, 14-15, 17-24, 26-39 has been withdrawn.

Also the amendment to claims 27 and 28 overcomes the rejections under 35 U.S.C. 112 second paragraph presented in the final rejection.

However, the amendment to the claims introduced new ground of rejections under 35 U.S.C. 112 second paragraph, as indicated above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571)272-3097. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AHMED ELALLAM/
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9/22/09

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